

## **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1 and 3-20 are pending and stand rejected. Claims 1, 10 and 20 have been amended.

Claim 1 has been amended to correct format and claims 10 and 20 have been amended to more clearly recite the invention claimed.

Claims 1 and 3-20 stand rejected under 35 USC 103 as being unpatentable over Hiekali (USP no. 5,619,500) in view of Hiller (USP no. 5,426,636). In maintaining the rejection of the claims the instant Office Action states the "Hiller does teach or suggest the feature of each of the channel cluster modules is arranged for transmitting downstream signals on a carrier frequency, selected from a plurality of known carrier frequencies as shown in col. 3, lines 20-col. 4, line 36, col. 10, line 20-col. 11, line 15."

Applicant respectfully disagrees with, and explicitly traverses, the reason for maintaining the rejection of the claims.

With regard to the teachings of col. 3, lines 20-col. 4, line 36, col. 10, line 20-col. 11, line 15, applicant fails to find where Hiller teaches the claim element "a carrier frequency selected from a plurality of known carrier frequencies." Applicant therefore respectfully request that a more specific reference within the referred-to sections of Hiller be provided for teaching the selection of a carrier frequency as is recited in the claims.

Notwithstanding the argument above, Hiekali teaches transmission via one or more T1 channels which represent a Time Division Multiplexing method of transmitting data. Hence, Hiekali fails to provide teaching the selection a different carrier frequency from a plurality of carrier frequencies for each terminal.

Similarly, Hiller relates to standard time division multiplexing of T1 lines (col. 27, line 41: "time multiplexed switch"; col. 40, line 6: "time slots", line 8: multiplexed DS0 bit streams").

Accordingly, applicant submits that there is no suggestion in either of Hiekali or Hiller with regard to channel cluster modules each arranged for transmitting downstream signals on a respective carrier frequency selected from a plurality of known carrier frequencies, as is recited in the claims.

As shown, neither references teaches or suggestions using an FDM method for assigning carrier frequencies. Hence, the claims as amended are not rendered obvious over the cited references.

For at least all of the above reasons, the proposed combination of prior art does not render obvious the invention claimed in claim 1, for example, as the combination of prior art does not meet all of the limitations of the invention as recited in claim 1.

Claims 3-6 and 8 depend from claim 1 and are likewise patentable over the applied references for at least the above mentioned reasons.

Claims 7, 10 and 20, each recite subject matter similar to that recited in claim 1, and are also not rendered obvious for the same reasons recited with regard to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

The remaining claims depend from the independent claims and are also allowable by virtue of their dependency upon an allowable base claim. Withdrawal of the rejection of these claims is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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